(*b*) The rank is fixed generally according to the principles laid down in the rules.

Mr. T. MARIYAPPA.—Is the Amildari list revised every year?

Mr. B. T. KESAVAIENGAR.—No, it is done as and when necessity arises.

Mr. T. MARIYAPPA.—When once the rank of an official is fixed, does it change with every revision of the list?

Mr. B. T. KESAVAIENGAR.—If the officials are within the age limit, the rank is not changed.

Mr. T. MARIYAPPA.—On what consideration is the rank fixed—pay or date of entry in the list?

Mr. B. T. KESAVAIENGAR.—On both considerations.

Mr. T. MARIYAPPA.—When once an official's place is fixed in the list, can it be brought down?

Mr. B. T. KESAVAIENGAR.—Not ordinarily. It is done only in exceptional cases.

Mr. T. MARIYAPPA.—Was not the list revised in July last?

Mr. B. T. KESAVAIENGAR.—No.

Mr. T. MARIYAPPA.—Are there not instances in which the ranks of officials once fixed in the list have been altered?

Mr. B. T. KESAVAIENGAR.—Not to my knowledge. If there are any such instances, it is for the aggrieved official to seek his remedy.

Mr. T. MARIYAPPA.—But have not the Government rejected such representations?

Mr. B. T. KESAVAIENGAR.—I cannot say.

Mr. T. MARIYAPPA.—Is not the list to be prepared in the proportion of 1:2? And does the present list satisfy that proportion?

Mr. B. T. KESAVAIENGAR.—Yes.

Mr. T. MARIYAPPA.—Can the latest recruit supersede the senior men already in the list?

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari).—If candidates with superior qualifications get into the list, their rank will be fixed suitably with a view to give them an earlier chance of becoming Amildars. But such cases are very rare.

Mr. T. MARIYAPPA.—Will it not result in hardship to the other men already in the list?

Mr. S. P. RAJAGOPALACHARI.—There is no question of hardship. This action should be viewed from the larger interests of the State service. There is no guarantee that simply because a man's name is in the list, his rank will remain unaffected for all time. The object of revising the list is to remove all the inequalities as far as possible. When new names of highly qualified people are added, the seniority of the other people might be affected slightly.

Mr. K. M. KRISHNAPPA GOWDA.—When the list is revised next time, will the defects, if any, be set right?

Mr. B. T. KESAVAIENGAR.—That will be considered.

Mr. K. M. KRISHNAPPA GOWDA.—It was stated that a man of superior qualifications would be given a higher place in the list. Will it not affect cases of men already in the list as they might be barred by age?

Mr. B. T. KESAVAIENGAR.—But Government have also to look to the efficiency of the service.

GOVERNMENT BUSINESS—BILLS.

I. General Principles of the Bill to amend the Hindu Law in regard to Rules of Exclusion from Inheritance.

The GENERAL SECRETARY to GOVERNMENT (Mr. M. Venkatesa Iyengar) explained the general principles of the bill as follows:—

The Hindu Law, as at present administered, contains provisions excluding from inheritance certain classes of heirs suffering from congenital physical or mental defects. This rule of exclusion is based on ancient texts. Whatever might have been the reason for the original rule of exclusions, it is considered that it is time that the rule is modified by legislation so that no person other than a person who is from birth a lunatic or idiot will be excluded from inheritance by reason only of disease, deformity or physical or mental defect.

Congenital lunacy or idiocy stands on a different footing. The persons suffering therefrom will be unable to manage the property. The disqualification for inheritance will therefore be kept up in their case.

It is not, however, proposed to affect rights accrued or liability incurred before the commencement of the Regulation, nor any rule regarding the management of any religious or charitable trust.

The rule has been modified in British India by Act XII of 1928 and it is proposed to introduce legislation on the above lines.

Mr. C. N. NARASINGA RAO said that the reason why the disqualification had been put in the original text of the Hindu Law in respect of heirs suffering from congenital physical or mental defects was not far to seek. It consisted in the fact that the heir who was defective either mentally or physically could not have the capacity to manage as trustee the property that he might inherit from the joint family. That was why not merely born lunatics or idiots but even those who were born blind and maim were disqualified from the right of inheritance. But the amending bill before the House sought to remove the disqualification in the case of all heirs excepting those suffering from congenital lunacy or idiocy. While agreeing with the change proposed so far as physical disabilities were concerned, he would point out that so far as the question of succession to property went, it would arise only after the death of the previous holder or manager. As such, if an heir should develop mental defects at the opening of his succession to property, the speaker would extend the disqualification to every such case on the principle that the inheritor would have no capacity to manage the property and would become a tool in the hands of others and eventually run the risk of losing the property altogether to the detriment of himself as well as the joint family. He would therefore extend the existing rule of exclusion from inheritance to the heirs who might have acquired lunacy or idiocy at the opening of succession. Because, logically speaking, so far as the capacity to manage the property went, it did not make any difference so long as the defect existed at the opening of succession, whether congenital or acquired. Subject to this modification, he supported the bill.

Mr. T. MADIAH GOWDA gave his unqualified support to the bill. He said it was undoubtedly a beneficent piece of legislation which was long overdue in the State. It had been brought into force in British India eight years ago, on the recommendations made by several High Courts. Even in Mysore, the members of the Assembly and the Council had been urging for its introduction for some years past. In the circumstances, it deserved to be passed into law without further delay.

He pointed out that the original rule of exclusions in the Hindu Law might have suited the old frame of mind, but it did not appeal to modern notions of justice and equity. Hence, on pure humanitarian considerations, the law should be amended as proposed in the bill. He said that the exclusion of congenital lunatics and idiots from the operation of this measure was quite reasonable. But this measure should not be made the thin end of the wedge to introduce radical changes such as removing disabilities imposed by Hindu Law on converts, etc.

Mr. K. T. BHASHYAM AIYANGAR said that the bill before the House was a generous measure. It appeared to him that when the original rule of exclusion was framed in ancient times, there might have been no reign of peace in the country and it might be that only those persons who had a sound mind and a sound body were believed to possess the capacity to manage the property and were given the right of inheritance and persons with mental and physical defects were excluded from inheritance. The conditions of society had changed since then and there was no need to connect the defence of the country or society with rights of inheritance. Secondly, the responsibility of maintaining such defectives had rested on the shoulders of the other members of the family who inherited the property, and they were scrupulously discharging that obligation. Hence it had not

worked as a great hardship then. But unfortunately, the mentality of people had undergone a change with the advance of time and the excluded heirs had come to be neglected. As such, the continuance of the old system had resulted in real hardship to the unlucky members of the family. For these two reasons, he had no hesitation in commending the bill for the acceptance of the House.

As regards Mr. Narasinga Rao's suggestion that the rule of exclusion should be extended also to heirs who might be suffering from lunacy at the opening of succession, he said that it would work as a great hardship to families if that was accepted. He therefore opposed it. On the other hand, he would suggest that in course of time, the law on the subject should be still further liberalised and the existing rule of exclusion should be relaxed in favour of congenital lunacy or idiocy also. He pointed out that the difficulty about the management of property referred to by the previous speakers could be got over by appointing a ward or guardian for the purpose.

In conclusion, he said that on humanitarian grounds, it would be best to remove all bar against succession of heirs to joint family properties.

Mr. S. K. VENKATARANGA IYENGAR who spoke next, expressed surprise that Mysore should have taken such a long time to amend a law which had become an anachronism. He said that while other parts of India had removed the defects in the law of succession, it was not right for Mysore to lag behind.

Modern Germany, under its dictatorship, had passed legislation for sterilising all persons with physical defects so that the progeny of such persons might not inherit the same defects. Though such a move might be justified on scientific grounds, he said that its adoption here would offend against the Indian sentiment, as Indians were staunch believers in the law of Karma and were opposed to penalising any person on the doubtful value of scientific theory.

Mr. VENKATARANGA IYENGAR did not agree with Mr. Narasinga Rao that the disability should extend to persons who might have become lunatics or idiots at the time the succession opened. He said that Mysore was in advance of British India in the matter of Hindu Law reform and personally felt that in consonance with enlightened humanitarian ideas, the law should be made more liberal than what was contemplated in the bill. In this view he suggested that the disqualification proposed to be retained in the case of congenital lunatics or idiots also be removed. As regards the difficulty about the management of the property, he said that the wife or some other member of the family might have the requisite capacity to manage it. If necessary, courts might be given the power to appoint guardians as in the case of minors to manage the properties of such persons. Suitable amendments might be introduced to that end in the Guardianship and Wards Regulation or a special Court of Wards Regulation be enacted for the purpose.

He did not see any reason why the Mysore legislature should go only to the extent to which the British Indian Act had gone and stop at that limit mechanically. On the other hand he very much wished the State to go a step further and remove the disqualifications in the matter of inheritance by congenital lunatics and idiots also.

Mr. M. A. GOPALASWAMI IYENGAR said that there was no doubt that the bill was in consonance with modern notions of justice and equity and tried to modify the rule of exclusion from inheritance under the Hindu Law. Some of the previous speakers had urged that the bill should also be made applicable to congenital lunatics and idiots. The Hindu Law of Inheritance comprised the law of survivorship as well as the law of succession. So far as the law of succession was concerned, there would not be much difficulty if lunatics and idiots were also given the right of inheritance. As regards the law of survivorship, there would be practical difficulties if mentally disabled persons were given the right of inheritance. Unlike the other classes of excluded persons, they would have no contractual

capacity and could not deal with property except through a committee or guardian. If the rule of exclusion was abrogated, they would under the Hindu Law become coparceners having a right by birth in the property of the joint family as well as a right to claim partition. As they would be unable to exercise those rights except through a committee or guardian, the integrity of the joint family might be endangered by the appointment of strangers as committees or guardians. In view of those practical difficulties, the rule of exclusion so far as lunatics and idiots were concerned, was not amended in British India. The speaker therefore thought it necessary that Government should examine all those difficulties before trying to bring congenital lunacy or idiocy within the purview of the bill.

Mr. Belur SRINIVASIENGAR, while admitting that the bill was a beneficent measure, felt that it did not go far enough.

The PRESIDENT pointed out that it was safer to proceed step by step.

Mr. Belur SRINIVASIENGAR thought that in simple matters, instead of going step by step, there was no harm in covering two steps at a time.

He said that at the time of amending the Hindu Law as to the rights of women, Government had shown a certain amount of liberal-mindedness. But the same liberality was not in evidence in the case of the measure before the House. The bill under reference sought to retain the rule of exclusion in respect of congenital lunacy and idiocy. He was of opinion that even that disqualification should be removed as it would not be just and equitable to make an invidious distinction as between heirs in one and the same family.

If the present rule of exclusion was retained and born lunatics or idiots were debarred from inheritance, a difficulty might arise if perchance an excluded person should regain his senses in course of time. There would be no property for him to inherit then and he would become destitute and helpless. Such a contingency also could be provided for by the total removal of the disqualification.

As regards the management of properties inherited by such persons, the speaker did not think that there were insuperable difficulties. They could be got over by the application of the Guardians and Wards Regulation.

With these remarks, he supported the general principles of the bill.

Rao Sahib M. RAMASWAMY was of opinion that the measure would be of no benefit to the society. As a result of the existing system of division of joint family properties, even big estates were getting parcelled out into small bits. And to make matters worse, as a result of the proposed amendment, the rule of exclusion against certain classes of heirs with physical and mental defects would be removed and even heirs who had no capacity to manage the property would get a share. Naturally such properties would have to be entrusted to third parties for management and in almost all cases the property would be mismanaged and lost. Thereby both the individual as well as the joint family would be deprived of that share of the property. So, in the higher interests of the joint family property, the speaker thought it was desirable to retain the existing rule of exclusion intact, in respect of all those who had no capacity to manage the property by themselves. This would at least ensure the defectives being cared for and maintained by the other members of the family. For these reasons, he thought that the question of amending the existing law had to be undertaken with great caution. He therefore opposed the bill.

Mr. PUTTARAMA SETTY said that those who opposed the bill did not take into consideration the cases of the unfortunate children of a Hindu joint family who might have physical defects or deformities. It was the duty of the legislature to see that provision was made to ensure the proper care and maintenance of all those children. As matters stood, they did not possess the wherewithal even to claim their share of the property with the aid of courts. At best they could sue the other members *informa pauperis*. For these reasons he strongly supported the bill.

Mr. T. MARIYAPPA thanked the Government for having brought in the amending bill though belated. He felt that it was not sufficient to limit the scope of the bill to the level of the British Indian Act but that its provisions should be extended so as to include even congenital lunatics and idiots as well, and suggested the incorporation of two salutary provisions for the purpose of safeguarding the property inherited by that class of heirs, *viz.*, (1) declaration of the natural guardian of the defective heirs or the appointment by the court of a guardian in the absence of a natural guardian, as at present the Guardians and Wards Regulation did not apply to them if they were not minors; and (2) the guardians should not however be given unfettered discretion, but their powers of management should be limited by the application of Hindu Law or by the application of the Guardians and Wards Regulation, as in the case of minors.

At this stage, the Assembly rose for lunch and met again at 3-30 p.m.

Mr. L. VEMA REDDY, in supporting the measure, said that whatever might have been the reasons in the past for excluding from inheritance certain classes of heirs suffering from congenital, physical or mental defects, the law deserved to be modified as it did not suit modern conditions. The social out-look at the present day was altogether different from what it was in the past. The joint family system was fast crumbling down, and every member of the joint family was particular about getting his or her share of the property and living independently. "Every man for himself," had become the order of the day. Under such a state of affairs, it would be too much to expect people to treat their unfortunate brothers, who were suffering from physical or mental defects, with the affection and consideration due to them. The plight of those people was that they were not being cared for by their own blood relations; they had no right for any share in the family property, and they were not in a position to earn their bread by any kind of service. The speaker asked as to what should become of persons placed under such circumstances. He emphasized that it was the duty of the Government to safeguard the rights of these people by removing the existing disqualification in their case in the matter of inheritance.

Continuing, **Mr. VEMA REDDY** said that one of the reasons urged against the removal of the existing disqualification was that a person suffering from a mental or a physical defect would not be in a position to manage his share of the property and there was every chance of its being lost to the family. That difficulty could be overcome by appointing a suitable guardian as in the case of minors to look after the property as long as the person was alive and then it might be disposed of to the best advantage of the joint family.

The speaker did not believe that the progeny of persons suffering from physical defects would necessarily inherit similar defects. He had known of instances in which the children born of parents suffering from such defects were sound both in mind and body. If the existing disqualification was not lifted, such children would be deprived of their share of the property for no fault of theirs.

Referring to the suggestion made by Mr. Belur Srinivasiengar and others that Government should have gone a step further and removed the disqualification in the case of congenital lunatics and idiots also, **Mr. VEMA REDDY** said that in matters pertaining to social legislation, it was desirable to proceed cautiously feeling the ground at every step. In this view he thought that the measure before the House was quite sound. If at a later stage, it was considered necessary to extend the rights of inheritance to congenital lunatics and idiots also, nothing would prevent the Government from doing so by further amending the law.

With these observations he wholeheartedly supported the measure.

Mr. Bagamane DEVA GOWDA, speaking next, said that there should have existed sufficient grounds in British India for retaining the disqualification

in respect of congenital lunatics and idiots to inherit property, and it was therefore not advisable for the State to go farther than what British India had done, at least for the time being. If, however, it was considered necessary at a later stage to remove the disqualification even in the case of born idiots and lunatics, nothing precluded the Government from amending the law further. With these observations, he supported the measure.

Sri. K. D. RUKMINIAMMA, in further supporting the measure, expressed her gratitude to Government for having amended the Hindu Law in the matter of women's rights to inheritance. The measure before the House, she said, was another beneficent measure in that it sought to remove the disqualification for inheritance in the case of persons suffering from certain physical or mental defects. This should have been done even at the time of amending the Hindu Law in respect of women's rights, and as such, the measure had not come a day too soon. As regards the details of the bill, she said that the disqualification in the case of congenital lunatics and idiots also should be removed.

Mr. H. M. CHANNABASAPPA also supported the measure and said that even congenital lunatics and idiots might be given inheritance rights and provision made for the proper maintenance of their properties by appointment of guardians as in the case of the management of properties of minors. For this purpose, he suggested that the provisions of the Wards and Guardians Regulation might be extended to this class of persons also.

Mr. MUNIVENKATAPPA, in endorsing the above view, said that no alienation of property should be permitted during the life-time of the person.

Mr. P. SUBBARAMA CHETTY said that he had known of cases wherein lunatics had, after marriage, ceased to be as such and lived happily and had even intelligent children. The converse of it was also probable as idiots had been born of very intelligent parents. Denial therefore of the right to inherit property to such people on the ground of lunacy or idiocy, would result in penalising them and their children. For this reason, he suggested that the State might go ahead of British India and remove the disqualification in the case of congenital lunatics and idiots also. With these remarks he supported the measure.

Mr. K. CHENGALARAYA REDDY, while sympathising with the members who said that even born idiots and lunatics should be given the right to inherit property, pointed out that there were some practical difficulties in the way of the proper management of their properties under the law as it stood at present. There was provision for the management of the property of a minor who was born blind. But the speaker was doubtful if there was any such provision for the management of the property after the minor attained majority. He felt that there must be provision for a suitable agency to manage the property even after the person attained the majority. If it could be provided for in the case of the blind, he saw no reason why the disqualification in the case of born lunatics and idiots should not be removed and the same procedure adopted in respect of the management of their properties. With these observations, he supported the measure.

Mr. K. SRINIVASIAH said that in almost all cases wherein the management of property had been entrusted to guardians, misappropriation had become a common feature and the family had invariably lost the property. For this reason he suggested that, as in the Mahomedan Law, the right of pre-emption be provided for as a safeguard in such cases where the family property, owing to mismanagement as aforestated, was likely to be lost to the family. With this qualification, he supported the bill.

Shroff RANGASWAMY CHETTY also supported the general principles of the measure.

Replying on behalf of the Government, **the FIRST MEMBER of COUNCIL (Rajamantrapravina S. P. Rajagopalachari)** observed that while many of the speakers had supported the measure, some had made certain suggestions in addition. He assured the members that their suggestions would be duly considered. It

was not the intention of Government, he said, to retain for all time the disqualification for inheritance in the case of persons suffering from congenital lunacy or idiocy. But, as pointed out by Mr. Chengalaraya Reddy, there were some practical difficulties in the way of extending inheritance rights to such persons at present. That was the very reason why the disqualification in their case was kept up. It was no doubt easy to give rights of inheritance to them also. But how best the properties inherited should be managed without detriment to their interests had to be considered. For the present, however, it was sufficient to amend the Hindu Law on the lines of the British Indian Act. Government would not hesitate to take a step forward and remove the disqualification in respect of congenital idiots and lunatics also after careful consideration of all the practical difficulties involved in the working of the proposed law. With these observations, he hoped that the House would support the measure.

The general principles of the bill were thereupon put to vote and adopted.

III. General Principles of the Bill to amend the Irrigation Regulation.

The CHIEF SECRETARY to GOVERNMENT (Mr. B. T. Kesavaiengar) explained the general principles of the bill as follows:—

While passing orders on the recommendations of the Inam Commission of 1918, Government directed that the responsibility of inamdars and tenants in regard to the restoration and maintenance of tanks in inam villages should be enforced on the same principle as in Government villages and that the inamdars should be given the power of enforcing the responsibility of the raiyats for the annual maintenance work. But no effect could be given to these orders till now for want of necessary legislation on the subject. The Inam Committee appointed in 1932 having urged the matter once again for consideration, Government directed that necessary legislation should be undertaken to give effect to the orders already passed.

It is, therefore, proposed to amend the Irrigation Regulation so as to make Chapter VIII of the Regulation applicable to tanks in inam villages also.

Section 34 is proposed to be amended so as to extend the rule about the enforcement of customary labour to an irrigation work in an inam village also though such work is not constructed, maintained or controlled wholly or mainly by Government.

Section 36 is proposed to be amended so as to make the inamdar responsible for the due performance of customary labour to an irrigation work in an inam village and Section 37 is proposed to be amended so as to give power to the inamdar to get such work performed by hired labour when a person who is bound to contribute labour neglects or refuses to do so.

Mr. H. KRISHNAMURTHY ACHAR supported the measure on the ground that it would help to improve the condition of tanks in inam villages.

SOME MEMBERS enquired whether the measure would apply to all tanks in inam villages or to only those which had been restored.

Mr. L. VEMA REDDY, in opposing the measure, said that the condition of the raiyats in inam villages was quite different from that in sircar villages. In sircar villages, the raiyats had very many advantages. They had permanent occupancy rights; the *khates* of the lands they cultivated were in their own names and as such they were the proprietors of the lands. Placed in such circumstances, it was their bounden duty to maintain the tanks. And if they failed to do so, the Government had power to get the maintenance work done and recover the cost thereof from them. But, that was not the state of affairs in inam villages. The raiyats in those villages cultivated the lands on *váram* tenure; they had no permanent occupancy rights; they were under the mercy of the inamdar who, being the absolute proprietor, might turn them out at any time, even after getting the tanks restored by them, and employ others instead. Under such

circumstances, the speaker did not consider it just to compel the raiyats in inam villages to maintain the tanks, especially when they were not quite sure of enjoying the benefits of their labour towards the improvement of the tanks. The measure proposed was therefore not in the interest of the raiyats in inam villages. On the other hand, it benefited the inamdars. For these reasons, he thought that the measure ought not to be accepted by the House until permanent occupancy rights were given to the raiyats in the inam villages.

Mr. Anekal SRINIVASA IYENGAR said that the previous speaker seemed to labour under some misapprehension. The responsibility for the maintenance of tanks, as proposed in the measure, would be enforced on only those raiyats who held permanent occupancy rights and not on all.

Mr. Belur SRINIVASIENGAR said that the reason for placing the measure before the House had been stated to be to give effect to the orders of Government passed on the Inam Committee's recommendations in regard to the responsibility of inamdars and tenants in respect of restoration and maintenance of tanks in inam villages. If the Government really considered that the measure was important enough to be brought on the statute book, they could as well have taken steps in that direction immediately after the committee recommended on the matter. But they did not do so. Besides, there were other more important recommendations of the committee, such as for instance the introduction of survey and settlement into all inam villages. So far Government had not taken any steps in that direction. In his opinion, the introduction of survey and settlement should precede the enforcement of the responsibility on the part of raiyats in regard to maintenance of tanks. For this reason, he thought that the measure proposed was not in the best interests of the raiyats in inam villages.

Continuing, **Mr. SRINIVASIENGAR** said that while Sections 34, 36 and 37 were proposed to be amended, Section 35 had not been touched at all. That was a very important section from the point of view of the raiyats. According to that section, every occupier of land irrigated or served by an irrigation work as well as the inhabitants of a village or villages and all others who derived any benefit whatsoever directly or indirectly from the tank should perform in respect of such work customary labour without payment. So wide was the wording of the section that even the drinking of water in a tank by the cattle of the village could be interpreted to mean that the villagers derived some benefit from the tank and therefore they should perform the customary labour. He asked whether the drinking of water by village cattle amounted to such a tangible benefit for the villagers as to necessitate their being compelled to contribute their labour for the maintenance of the tanks. He thought that it was not right to give the inamdars powers contemplated in the measure until the raiyats were given permanent tenancy rights by introducing survey and settlement. For these reasons he opposed the measure.

Mr. K. M. KRISHNAPPA GOWDA said that while the grievances of the raiyats in Government villages could be brought to the notice of the authorities concerned and redress obtained, such facilities were not available to the raiyats in inam villages. They were at the mercy of the inamdars who were the absolute *hakdars* of the lands. The inamdars retained the best lands for themselves and gave only inferior lands to their raiyats for cultivation and that too on *varam* tenure. They were indifferent to the welfare of the raiyats. Neither were they taking any interest to restore the tanks in their villages or maintain them in a good condition. Beyond paying the *jodi* due to Government, they did nothing. Even in such a big jahgir as Yelandur, the tanks were in a state of utter disrepair. The tenants had no occupancy rights; there was no proper sanitation, etc. If conditions were so bad in a big jahgir, it could be easily imagined what the conditions would be in small inams. The measure, if enacted, was sure to make the position of the raiyats in inam

villages, still worse. For these reasons, he opposed the measure.

The REVENUE COMMISSIONER (Mr. K. V. Anantaraman), in explaining the several points raised, observed that the discussion on the measure seemed to have proceeded on the assumption that occupancy rights had not been given to the raiyats cultivating lands in inam villages. He pointed out that that was not the case. In many inam villages, the raiyats had been enjoying occupancy rights. Representations were being received from such raiyats to the effect that the tanks should be restored and maintained in proper order. So, Government, while passing orders on the recommendations of the Inam Commission of 1918, directed that the responsibility of both inamdars and tenants in regard to restoration and maintenance of tanks in inam villages should be enforced in the same manner as in Government villages. And the proportion in which the cost of restoration should be borne by the inamdar, the tenants and the Government had also been fixed. But no effect could be given to these orders for want of necessary statutory authority on the subject. The present measure was therefore designed to give effect to those orders.

Mr. K. CHENGALARAYA REDDY, interrupting, said that that proportion referred only to restoration and not for maintenance of the tanks.

Mr. K. V. ANANTARAMAN replied that the question of maintenance would arise only after restoration. Once a tank was restored, it was the bounden duty of the raiyats to maintain it in proper condition. To enforce this responsibility, power was proposed to be taken.

With reference to the remarks made by Mr. Krishnappa Gowda about the condition of the raiyats and the tanks in Yelandur Jahgir, the speaker said that though the raiyats of the jahgir were bound to maintain the tanks in proper condition, in practice it was found difficult to get the work done by them for want of necessary legal provision to enforce the responsibility. The measure before the House would enable Government to enforce such responsibility. It should not be understood by the members, he said, that the measure had been brought forward with a view to help the inamdars only. It was as much in the interest of the raiyats as of the inamdars.

Referring to the remarks made by some members that the tenants in inam villages might be turned out at the will of the inamdars, Mr. K. V. ANANTARAMAN said that it was not after all such an easy matter. Neither would the inamdar be bold enough to turn out the tenants nor would the tenants easily quit, because in most cases they had occupancy rights.

Mr. B. S. PUTTASWAMY asked whether Section 35 of the Irrigation Regulation would apply to inam villages.

Mr. K. T. BHASHYAM AIYANGAR, who spoke next, said that at present neither the inamdars nor the raiyats were taking any interest in the proper maintenance of the tanks, and as a result thereof, inam villages were fast decaying. As the rules stood at present, the Government could not force the inamdars to look to the repairs and proper upkeep of the tanks. The legislation proposed would empower the Government to enforce the responsibility on the inamdars. To that extent, the measure was a beneficent one. But, there was one difficulty. The inamdar might in his turn compel all the tenants in his village to put in compulsory labour for the maintenance of the tanks even though many of them might not derive any benefit from the tanks such as where they had no occupancy rights on any land under the *atchkat* of the tanks. In such circumstances, he thought that there would be no justification on the part of the inamdar to compel all the raiyats to put in their labour for the upkeep of the tanks, except such of them as had permanent rights of occupancy in the village.

In other respects also, the raiyats in inam villages were labouring under great difficulties. Whereas the raiyats in Government villages paid an assessment of Rs. 3 or Rs. 4 only, the inamdars were levying from their tenants as much as Rs. 10 or Rs. 12.

In addition to paying the heavy assessment, if they were compelled to put in compulsory labour, it would indeed be a hardship. For these reasons, he thought that the measure proposed might, in the first instance, be applied to such of the inam villages wherein survey and settlement had been introduced or the liability to contribute labour be restricted to raiyats with permanent occupancy rights. Otherwise, he thought it was likely to result in some hardship to the raiyats, though the measure in general was welcome and very desirable.

Mr. S. K. VENKATARANGA IYENGAR did not agree with all that was said by the previous speaker in the matter of treatment of the tenants by the inamdars. The assessment levied by the inamdars was not as high as it was stated to be. The inamdars also were men with human feelings, and were very considerate to their tenants. In regard to remission, they granted relief much more liberally than the Government. In many cases, although they did not get the revenue due to them from the tenants, they were paying the *jodi* due to Government regularly. The inamdars also had their own difficulties. In many inam villages, the tenants had an upper hand over the inamdars, so much so the inamdars feared to enter their own villages. The Inam Committee went into all these matters and it was only after careful consideration of all the circumstances that they recommended, among other matters, that the inamdars, might be given the power to enforce the responsibility of the raiyats for the annual maintenance of tanks. And to implement that recommendation, the Government had brought forward the measure under discussion. There was therefore no question of expropriation as some members seemed to suggest. With these remarks, he supported the measure.

Mr. S. C. MALLIAH, in supporting the measure, said that it was a well-known fact that tanks in inam villages were in a state of utter disrepair. Even though the tenants were prepared to contribute their quota of labour for the maintenance of the tanks, the inamdars failed to discharge their responsibility. It was the duty of the Government to force the inamdar to maintain the tanks in his inam villages in good order, just as they did in Government villages. There was no provision at present to compel the inamdars to discharge their responsibility in this behalf. Therefore, the measure proposed was necessary. This would ultimately benefit the raiyats, because the tanks would be restored somehow or other.

While thus he had no doubt that the measure would be a beneficial one, he thought that it should be applied to only those inam villages where survey and settlement had been introduced, and the raiyats whereof had been given permanent occupancy rights.

Mr. H. K. MADIAH said that the measure was beneficial not only to inamdars but also to the raiyats. At present, the inamdars were not at all taking any action to maintain the tanks in their villages in a good condition. He had known of cases in which even in spite of repeated requests and offers of voluntary labour from their tenants, the inamdars had neglected to discharge their duty. As a result thereof, tanks were in a state of utter disrepair and large extents of lands were lying fallow. The raiyats were in a helpless condition in those villages.

But conditions were altogether different in Government villages adjoining the inam villages. The reason for it was that Government took the initiative to maintain irrigation sources in proper condition. It was therefore very necessary for the Government to take power to force the inamdars to maintain tanks in their villages in good condition. For these reasons, he supported the measure.

Replying on behalf of Government, **the FIRST MEMBER of COUNCIL (Rajamantrapravina S. P. Rajagopalachari)** said that as certain members seemed to have entertained some misapprehensions as regards the implications of the measure, he would explain the position clearly.

Some members had asked whether the proposed measure applied to all tanks in inam villages or only to those tanks

which had been restored. In answer to that question, he had only to invite the attention of the members to Section 34 of the Irrigation Regulation from which it was clear that the measure would apply to only such of the tanks as had been restored and handed over to the raiyats for upkeep.

Mr. Belur SRINIVASIENGAR, interrupting, enquired whether any tanks in the inam villages had been restored and handed over to the raiyats.

Mr. S. P. RAJAGOPALACHARI replied in the affirmative. He added that such restored tanks were handed over to the joint possession of inamdars and tenants through the Revenue Department.

In reply to the question of Mr. Puttaswamy whether Section 35 of the Irrigation Regulation would apply to tanks in inam villages, the Member said that in the amendment proposed by the Government, it had been stated that an irrigation work included such work in an inam village though it was not constructed, maintained, or controlled wholly or mainly by Government. And Chapter VIII of the Regulation which contained Sections 34 to 39 was proposed to be made applicable to tanks in inam villages. It was apparent therefrom that Section 35 also applied to such tanks.

The speaker also observed that it would not be possible to adopt the suggestion made by certain members that the measure might be given effect to in inam villages where raiyats enjoyed permanent tenancy rights. There were very few raiyats at present in inam villages who held such rights and if the measure should apply only in respect of such people its very object would be frustrated. Government had under contemplation the compulsory introduction of survey and settlement in all inam villages. When that became an accomplished fact, the oft-discussed question of tenancy rights in inam villages would be permanently solved.

Continuing, he said that the main object of the measure was to ensure that irrigation sources in inam villages were maintained in a proper condition. There were a number of tanks in inam villages. Most of them had been neglected and as a result thereof the raiyats were undergoing great hardships. Mr. H. K. Madiah had very graphically explained the point. The reason for such state of affairs was due to the absence of a provision to compulsorily enforce the responsibility on both the inamdars and the tenants to maintain the tanks. The Government carefully considered the point and in their order on the Inam Committee Report of 1925 they stated :—

"Government have been frequently receiving representations that the responsibility in inam villages for the maintenance of irrigation works is not being properly discharged. This is attributed to the fact that, under the existing rules, the entire responsibility devolves on the inamdars, and the raiyats of inam villages, unlike those in *sircar* villages, have been left entirely free. In *sircar* villages the raiyats have a special responsibility to discharge in respect of maintenance of irrigation works. The Commission recommend that the raiyats of inam villages should be treated in the same manner as those in *sircar* villages."

But there was no rule to enforce that responsibility. Hence, it was found necessary to legislate on the subject, fixing the responsibility on both the inamdars and the raiyats.

Some members had feared that the inamdars, being the absolute proprietors of the lands cultivated by their tenants could at any moment turn them out. He assured the members that there was no ground for such a fear. The inamdars' action was not the last word on the subject. There was the Deputy Commissioner, above him the Revenue Commissioner, and still above him the Government, to whom appeal could be preferred against the action of the inamdars.

Mr. B. S. PUTTASWAMY observed that according to tank maintenance rules, customary labour could be enforced on raiyats holding wet and garden lands below the tanks. It was all right so far as Government tanks were concerned because the benefit would be reaped by all and Government would stand to get more revenue. But in inam villages, the best lands remained, as stated by some members, in the hands of the inamdars and only inferior lands had been given to the tenants for cultivation. Thus they

derived no benefit in return for their labour. When the raiyats did not stand to reap any benefit from the tanks, he asked what justification there was to compel them to contribute their labour for the maintenance of the tanks.

Mr. S. P. RAJAGOPALACHARI replied that the responsibility for maintenance would be enforced only if the raiyats derived some benefit whether directly or indirectly. But if they did not get any benefit at all, in such cases, the provisions of Section 35 of the Regulation would not be enforced on them. The position in this respect, he said, would be made clear by amending the rules and issuing a circular if found necessary. In the light of these explanations, he hoped that the measure would commend itself to the acceptance of the House.

The general principles of the measure were thereupon put to vote and carried.

The House then rose for the day to meet again at 12 of the clock on the following day.

SECOND DAY.

Tuesday, 27th October 1936.

The House reassembled at the Jagan Mohan Palace Pavilion on Tuesday, 27th October 1936, at 12 of the clock, *Rajamantrapravina* S. P. Rajagopalachari, First Member of Council, in the Chair.

Felicitations.

At the commencement of the proceedings, **Khan Bahadur MAHOMED ABBAS KHAN** felicitated Mr. N. Madhava Rau, Second Member of Council, and Mr. S. Shamanna, Financial Secretary to Government, on their being the recipients of the titles "Rajamantrapravina" and "Rajasevanipuna" respectively, at the hands of His Highness the Maharaja, at the Durbar held the previous night.

Mr. Belur SRINIVASIENGAR, in congratulating the recipients of the titles, said that he prayed to God that these officers might be spared for long to render uninterrupted meritorious service to the State and thereby become entitled in a greater measure to the esteem and regard of the public.

Messrs. H. B. GUNDAPPA, JATHARE NAIK and **P. SUBBARAMA CHETTY** also joined with the previous speakers in expressing their appreciation.

Mr. L. VEMA REDDY added that the feelings of gratefulness of the Assembly might be conveyed to His Highness the Maharaja for having conferred upon the two officers the titles which were well deserved.

On behalf of the Assembly, **Mr. V. VENKATAPPA** thanked the Government and through them the gracious Ruler for having extended to the Adikarnatakas, for the first time in the annals of Mysore, the privilege of attending the Durbar held in the palace, and expressed the hope that this step would be the forerunner of several other enlightened social reforms.

The SECOND MEMBER (Rajamantrapravina N. Madhava Rau) thanked the members for their kind sentiments. He said he had had the privilege of taking part in the proceedings of the Assembly for the past ten years and from his experience, he had no hesitation in saying that there was hardly any difference in general outlook between them and the non-officials in essential matters. Differences, if any, were only on the surface. He considered it a happy feature of the Assembly that both officials and non-officials associated with it were working harmoniously in the larger interests of the State.

QUESTIONS AND ANSWERS—

(*contd.*).

Sale of Lands for Arrears of Assessment.

Q.—11. **Mr. H. K. MADIAH** (Malavalli Taluk).—

Will the Government be pleased to state:—

(*a*) who are the *khatedars* of S. No. 151-1, 220 and 221 of Purigali Sarvamanya village, Boppagowdanpura Hobli, Malavalli Taluk;

(*b*) are these numbers in the enjoyment of the *khatedars* or are there any